

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

PIERRE MICHEL CADET,
Plaintiff

v.

RAOUL BONBON and
GISLAINE BONBON,
Defendants

CIVIL ACTION NO. 05-10975-PBS

**DEFENDANTS' OPPOSITION TO PLAINTIFF'S LETTER REQUEST TO EXTEND
TIME TO EFFECTUATE SERVICE**

Presently before the Court in this matter is a letter from the plaintiff which purports to request an extension of time to effectuate service of process. This case was initially filed on May 5, 2005. The time to effectuate service on the defendants has been extended four times. In its Order of January 26, 2006, this Court extended the deadline for service until February 28, 2006 and explicitly warned the plaintiff that “[n]o further extensions shall be granted.” Nonetheless, in a generous accommodation to the plaintiff, who is pro se, this Court most recently extended the deadline to March 10, 2006.

On March 6, 2006, four days before the time for service was scheduled to expire, the plaintiff sent a request for a waiver of service to counsel for the defendants which does not comply with Fed. R. Civ. Pro. 4(d). A true and accurate copy of the plaintiff's correspondence to defendant's counsel is attached hereto as Exhibit 1. The Rules Advisory Committee has stated that a request for waiver of service should not be used this close to the expiration of the time for service, noting that the Court “could refuse a request for additional time unless the defendant

appears to have evaded service.” See Advisory Committee Notes to 1993 Amendment of Rule 4(d)(4).

This Court has been more than patient with this pro se plaintiff, who has also disregarded this Court’s instructions not to file letters in this and in another case which he has filed. Further, it is unfair to the defendants to continue to allow this plaintiff extra time merely to serve process. Consequently, the defendants respectfully request that this Court DENY the plaintiff’s request for yet another extension of time to effectuate service.

Respectfully submitted,

DEFENDANTS
RAOUL BONBON and
GISLAINE BONBON

By their attorneys,

/s/ Michael J. Cedrone
Rebecca J. Wilson, BBO # 529980
Michael J. Cedrone, BBO # 657708
Peabody & Arnold
30 Rowes Wharf
Boston, MA 02110-3342
(617) 951-2100

CERTIFICATE OF SERVICE

I, Michael J. Cedrone, hereby certify that I have served a copy of the foregoing on the plaintiff in this matter on this 8th day of March, 2006.

/s/ Michael J. Cedrone
Michael J. Cedrone

PABOS2:MCEDRON:633741_1

9502-91704

UNITED STATES DISTRICT COURT

District of

MASSACHUSETTS

PIERRE MICHAEL CADET
Plaintiff

V.

RAOUL BONBON, ET AL.,
Defendants

EXHIBIT 1

SUMMONS IN A CIVIL CASE

CASE

C.A. 05-10975-PBS

TO: (Name and address of Defendant)

Raoul Bonbon's lawyer
Attorney: Michael Cedrone
30 Rowes wharf
Boston, MA 02110-3342

RAOUL BONBON

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)
PIERRE MICHAEL CADET, *PRO SE*

* or answer as otherwise required by the Federal Rules of Civil Procedure.

an answer to the complaint which is herewith served upon you, 20* days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.



SARAH ALLISON THORNTON
CLERK

3/6/06
DATE

Rebecca Greenberg
by) DEPUTY CLERK

UNITED STATES DISTRICT COURT

District of

MASSACHUSETTS

PIERRE MICHAEL CADET
Plaintiff

V.

RAOUL BONBON, ET AL.,
Defendants

SUMMONS IN A CIVIL CASE

CASE

C.A. 05-10975-PBS

TO: (Name and address of Defendant)

Gislaine Bonbon's lawyer
Attorney: Michael Cedrone
30 Rowes wharf
Boston, MA 02110-3342

GISLAINE BONBON

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)
PIERRE MICHAEL CADET, *PRO SE*

* or answer as otherwise required by the Federal Rules of Civil Procedure.

an answer to the complaint which is herewith served upon you, 20* days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

SARAH ALLISON THORNTON
CLERK

DATE

3/6/06

By) *Alicia Greenberg*
DEPUTY CLERK

WAIVER OF SERVICE OF SUMMONS

TO: Pierre Michel Cadet
(NAME OF PLAINTIFF'S ATTORNEY OR UNREPRESENTED PLAINTIFF)

I, Michael Cedrone,
(DEFENDANT NAME) acknowledge receipt of your request

that I waive service of summons in the action of Pierre M. Cadet V. Raul Bonbon, Et Al.
(CAPTION OF ACTION)
 which is case number 10975-PBS
(DOCKET NUMBER) in the United States District Court

for the _____ District of Massachusetts

I have also received a copy of the complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me.

I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons.

I understand that a judgment may be entered against me (or the party on whose behalf I am acting) if an answer or motion under Rule 12 is not served upon you within 60 days after 3/6/06
(DATE REQUEST WAS SENT)
 or within 90 days after that date if the request was sent outside the United States.

(DATE) _____
(SIGNATURE)

Printed/Typed Name: _____

As _____ of _____
(TITLE) (CORPORATE DEFENDANT)

Duty to Avoid Unnecessary Costs of Service of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A defendant located in the United States who, after being notified of an action and asked by a plaintiff located in the United States to waive service of summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the complaint is unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the summons retains all defenses and objections (except any relating to the summons or to the service of the summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

A defendant who waives service must within the time specified on the waiver form serve on the plaintiff's attorney (or unrepresented plaintiff) a response to the complaint and must also file a signed copy of the response with the court. If the answer or motion is not served within this time, a default judgment may be taken against that defendant. By waiving service, a defendant is allowed more time to answer than if the summons had been actually served when the request for waiver of service was received.

**NOTICE OF LAWSUIT AND REQUEST FOR
WAIVER OF SERVICE OF SUMMONS**

TO: (A) _____

as (B) _____ of (C) _____

A lawsuit has been commenced against you (or the entity on whose behalf you are addressed). A copy of the complaint is attached to this notice. It has been filed in the United States District Court for the

(D) _____ District of _____
and has been assigned docket number (E) _____.

This is not a formal summons or notification from the court, but rather my request that you sign and return the enclosed waiver of service in order to save the cost of serving you with a judicial summons and an additional copy of the complaint. The cost of service will be avoided if I receive a signed copy of the waiver within (F) _____ days after the date designated below as the date on which this Notice and Request is sent. I enclose a stamped and addressed envelope (or other means of cost-free return) for your use. An extra copy of the waiver is also attached for your records.

If you comply with this request and return the signed waiver, it will be filed with the court and no summons will be served on you. The action will then proceed as if you had been served on the date the waiver is filed, except that you will not be obligated to answer the complaint before 60 days from the date designated below as the date on which this notice is sent (or before 90 days from that date if your address is not in any judicial district of the United States).

If you do not return the signed waiver within the time indicated, I will take appropriate steps to effect formal service in a manner authorized by the Federal Rules of Civil Procedure and will then, to the extent authorized by those Rules, ask the court to require you (or the party on whose behalf you are addressed) to pay the full costs of such service. In that connection, please read the statement concerning the duty of parties to waive the service of the summons, which is set forth at the foot of the waiver form.

I affirm that this request is being sent to you on behalf of the plaintiff, this _____ day of _____.

Signature of Plaintiff's Attorney
or Unrepresented Plaintiff

A—Name of individual defendant (or name of officer or agent of corporate defendant)

B—Title, or other relationship of individual to corporate defendant

C—Name of corporate defendant, if any

D—District

E—Docket number of action

F—Addressee must be given at least 30 days (60 days if located in foreign country) in which to return waiver

United States District Court
District of Massachusetts

CLERKS OFFICE

2005 MAY -4 P 2:20

Plaintiff's Name: Pierre Michel Cadet

U.S. DISTRICT COURT
DISTRICT OF MASS.

Defendants' Name: Mr. Raoul and Gislaine Bonbon

- 1- I Pierre Michel Cadet is the plaintiff. I am living on 50 Bower street APT 1, Medford MA 02155. I am a Haitian student at Medford high.
- 2- The defendant Raoul Bonbon is a Haitian teacher at Medford high school. He is a resident of Lynn MA and a citizen of Haiti.
- 3- The defendant Gislaine Bonbon secretary at Medford high school is a resident of Lynn and a citizen of Haiti.
- 4- Jurisdiction
This court has jurisdiction over this matter pursuant to 28 U.S.C. 1331

5- I came from Haiti on August 24, 2002 and I entered at Medford high school as a sophomore student on September 2, the same year. It was all the time he was talking about his powerful, authority he has at Medford high. He made us know, the department of education give him power above all the leadings there and he can put any of us out of school anytime he wants. In addition, any of them cannot prevent him to do that because he is superior them, has more knowledge than they do, and more experience than the Head master. He is the best mathematic teacher at Medford high, and he can teach all of his colleagues mathematic.

He has been teaching there for 19 years. He is not afraid any thing. Any bad thing cannot happen to him. He is one of the leading and he has more power than the others do. Mr. Paul H. Krueger, the Head master is a just come, even him cannot prevent me to put you out here, and cannot take you back to school if I put you out, (says: Mr. Rasoul Bonbon, a Haitian teacher). He does not take the head master for nothing he is talking about his authority to can make the Haitian students trust and scare him.

He told us he used to talk that way since the first year he began to work there to this year 2005, and never changes. This is a pride for him to talk like that, to make the Haitians students know he has powerful, and above all of his colleagues. He used to tell us it was him who come with the bilingual program at Medford high school. Since last year, on 2003 the bilingual program was over. He should not suppose to speak any other language than English, but still this month sometimes, he speaks Creole to the Haitian students.

On 2002, in a period in which all the Haitian students were new and just come from Haiti, while he was talking about his powerful, his knowledge, such as: he is above all the leadings at Medford high school, he is more important than them. He told us even if you see the American teachers act like a wise, have good character, smile to you, do not think they are important because most of

If you see those two words "Safe Space" behind an American teacher's door or an immigrant teacher's door at Medford high, this means he is ~~an~~ homosexual. This is a sign to make all the students gays and lesbians know this teacher is a homosexual. Do not worry about anything, be relaxed, and make yourself at home! You can address those teachers any times you want, to ask them their telephone number, their address, their web site to can take an appointment, and fall in love with them. He forced us to believe that and wrote them on the ^{hall} board to make sure all the Haitians' kids know and understand what he was talking. At the same time he said: as soon as the belt rings, begin from across my door, Take a look in each door all over the hall way to see if I lie to you. It was on 2002 at the ^{end} of November he told us that, and he is still doing the same thing each year, still this year 2005. He never changes. When they came to ask him if they can put that sign behind his door, he answered: what! what do you say? Do not know who you are? Am I your friend? Are you crazy? Get out in front of me! He told us he run behind the people who came to ask him if he accept to put that sign in the back of his, and say: Do not ever take chance to come asking me those kind of thing any more. Still last quarter, I mean the third quarter, he was doing that. He always does that to can show the Haitian students he is more important than his colleagues.

- Facts -

On October 2003, Rael Bonbon, a Haitian teacher at Medford high school began to act against me like someone he wanted to fight with. He said more than 20 times: Pierre Coidet you are a stealer, stealer robber, zinglindoo, evil doer assassin. Now and then he used those bad names to bother me, each week, almost every day without stopping. Zinglindoo means in English someone who uses to enter in neighborhood house, violate and kill everybody and take their money etc.

Raoul and Gislaine used to put book on my desk to bother stealer, robber, zinglindoo, rafer. They used mathematic and America's story book to do that to. they make all the leadings, teachers and students detect me by those names.

They used to call me Massissi sal. Massissi means gay and sal means dirty. both used to poking me with pencil, pen, ruler to bother me massissi lirty gay, why are you a gay pierre? who was your first best friend. How many boy friends did you have when you were in Haiti.

every where Gislaine sees me in the hallway he keep calling me stealer robber, zinglindoo. she told me she lost a dictionary it was me who took it.

Raoul Bonbon, from october 2003 to this year 2005 used to bother me exactly like this: block, block Pierre Codet, keep him, help me to keep the robber, block the zinglindoo, here the stealer, the robber, here Pierre Codet, he rob my sister's office. He steal a dictionary for her.

Gislaine used to do the same thing to me. Each ^{time} she saw me she says block, block Pierre Codet, keep the stealer, keep the zinglindoo. He rob my office, he takes a dictionary for me. ~~so~~ Two times she came in Mr. Raoul Bonbon's class to put book on my desk and call me stealer, robber, zinglindoo.

Raoul Bonbon give me many bad grades in all subjects he teaches me. I am going to learn mening engineer after high school. I would like you to make me find those back. Please! I expect you will understand me and take my case in consideration.

All the leadings know what Mr. Raoul and Gislaine Bonbon used to do to me they don't do any thing for me. All of them hate me.

I would like ~~for~~ Federal Court send a letter to both Rasel Bonbon the teacher and his sister Gislaine Bonbon secretary at Redford high school. Redford high is a Public school.

On 2000 and 2003, Rasel Bonbon taught me Algebra I, a writing course in which he used to show us how to do essay in Creole in America's story.

From 2003 to 2004, he taught me Geometry and a support course for help.

From 2004 to 2005, he taught me only Algebra II.

I always get ~~get~~ good grades for those subjects, but you know because he hate me he still change them to a lower grade and give a higher grade to some students he like. I am going to learn mining engineer ~~and~~ I need those grades back. Do the best you can for me Please!

Both Rasel and Gislaine have to pay a great penal and go to jail for all bad things they did to me like bothering me gay, dirty gay, deep botoek, empty ass. and discrimination about grades, touching me with pencil, ruler, pen, folding paper.

Algebra I ———→ A change in B, C
America's story ———→ A change in B⁺
writing course ———→ A⁺ change in B⁺

From 2003 to 2004

Geometry ———→ A, B⁺ change in D⁻
support ———→ A change in C

From 2004 to 2005

Algebra II ———→ I used to get A, B⁺ to change them in
C⁺, B⁻

I would like you to make me find all my grades back and
make him to pay a great kernel for each and I send him to
fail because he call stealer, robber, zinglindo, put book on my desk
to bother me, touching me to call me massissi with pencil pen, etc
Please!

Sincerely,

Pierre Michel Cadet

I would like you to send a letter to both
Gislaine and Raoul Bonbon on Medford high school
adress: 48 9 winthrop street, Medford MA 02155.

Pierre Michel Coidet